

## Message Text

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ORIGIN EB-08

INFO OCT-01 EUR-12 IO-13 ISO-00 CAB-02 CIAE-00 COME-00  
DODE-00 DOTE-00 INR-10 NSAE-00 FAA-00 L-03 SSO-00  
NSCE-00 INRE-00 SP-02 /051 R

DRAFTED BY EB/TRA:JRATWOOD:BD  
APPROVED BY EB/TRA:JRATWOOD  
EUR/WE:EJBIEGEL  
L/EB:JHBELLO (INFO)  
-----009436 140204Z /21  
O 132255Z JUL 78  
FM SECSTATE WASHDC  
TO AMEMBASSY PARIS IMMEDIATE  
INFO USMISSION GENEVA IMMEDIATE  
AMEMBASSY LONDON

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GENEVA PASS ASST SECY KATZ

E.O. 11652: N/A

TAGS: EAIR, FR

SUBJECT: CIVAIR: PAN AM CHANGE OF GAUGE LAWSUIT

1. U.S. COURT YESTERDAY DENIED PAN AM'S REQUEST FOR  
TEMPORARY RESTRAINING ORDER. WHILE EXPRESSING SYMPATHY FOR  
PAN AM ECONOMIC ARGUMENTS, JUDGE EXPRESSED SERIOUS  
DOUBTS WHETHER COURT HAD JURISDICTION TO INTERFERE.  
HEARING IS EXPECTED IN SAN FRANCISCO TODAY, JULY 13 ON FORM  
OF ORDER DENYING PAN AM MOTION.

2. MEANWHILE, PAN AM FILED LATE JULY 13 A MOTION IN THE  
COURT OF APPEALS IN NEW YORK (IN THE SAME ACTION PREVIOUSLY  
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BROUGHT BY AIR FRANCE), SEEKING ON EMERGENCY BASIS SAME  
RELIEF SOUGHT IN SAN FRANCISCO. CAB HAS RECEIVED  
ASSURANCES FROM NEW YORK COURT CLERK THAT NO HEARING ON  
PAN AM MOTION WOULD BE HELD WITHOUT 24 HOURS NOTICE TO CAB  
AND DEPARTMENT. DEPARTMENT IS PREPARING REPRESENTATIONS  
TO CAB ON SERIOUS FOREIGN POLICY IMPLICATIONS IF PAN AM  
WERE TO BE GRANTED RELIEF.

3. CAB AND DEPARTMENT LAWYERS FOLLOWING CASE REMAIN CONVINCED THAT IT LACKS MERIT.

4. CHENU CONTINUES TO BE KEPT INFORMED. CHRISTOPHER

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** LITIGATION, AIRLINES, COURT DECISIONS  
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**Draft Date:** 13 jul 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1978STATE177686  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** JRATWOOD:BD  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
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**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014